

Docket No.: BRIXIUS-6  
Appl. No.: 10/730,880

### REMARKS

With regard to the requirement for restriction, Applicant hereby provisionally elects to prosecute Group I, covering claims 1-8, and reserves the right to file a divisional application or to take such other appropriate measures as deemed necessary to protect the invention of Group II.

With regard to the requirement for election, required by the Examiner as a consequence of the election of the invention of Group I, Applicant hereby provisionally elects the species III, as covered by claims 1, 4-8, with at least claim 1 being generic.

Applicant's election is made without traverse. As noted by the Examiner, upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species, provided that all claims to all additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

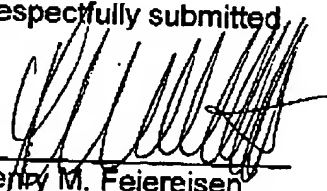
It is noted that each named inventor of the subject matter of the instant application contributed at least to one of the claims, presently on file.

With regard to claims 2, 3 constituting the other species, applicant does not waive any of his rights therefore or abandon such subject matter.

Since applicant has fully and completely responded to the Official Action and has made the required election, this application is now in order for early action at least on the merits of claims 1, 4-8.

Respectfully submitted,

By:

  
Henry M. Feiereisen  
Agent for Applicant  
Reg. No. 31,084

Date: May 4, 2005  
350 Fifth Avenue, Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:af